

City Council Agenda

Council President
Brad Castillo

Councilmembers

Tom Boyajian

Brian Calhoun
Mike Dages

City Manager
Daniel G. Hobbs

Jerry Duncan

City Clerk
Rebecca E. Klisch , CMC

Henry T. Perea, Acting President
Cynthia Sterling

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

TUESDAY, JUNE 29, 2004

If you would like to speak, fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address.

8:30 A.M. ROLL CALL

Invocation by Pastor Ed Huffman of the Woodward Park Baptist Church

Pledge of Allegiance to the Flag

Presentation by Jay Norvel of the State of California of the 2004 Excellence in Transportation Award for the Intersection of Shaw and Marks - City Manager's Office

Presentation of Life Saving Commendation - City Manager's Office

Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Approve minutes of June 22, 2004

Action Taken:

Approve Fresno Joint Powers Financing Authority minutes of June 15, 2004

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

- A. * Award a contract to KME Fire Apparatus of Ontario, California for One (1) Water Tender - General Services Dept./Fire Dept.

Action Taken:

- B. **RESOLUTION** - Of intention to rescind Resolution No. 2002-146 and order the vacation of Main Street between "N" and "O" Streets, portions of "N" and "O" Streets between Tulare and Main Streets, a portion of the "N-O" alley between Tulare and Main Streets, a public utility easement in the "N-O" alley alignment between Tulare and Main Streets, and a public utility easement in outlot "A" of Parcel Map No. 83-46 - Public Works Dept.

Action Taken:

- C. **RESOLUTION** - Of intention to vacate a portion of N. Van Ness Avenue between Herndon and Beechwood Avenues, and setting the public hearing for July 27, 2004 at 10:00 a.m. - Public Works Dept.

Action Taken:

1.

GENERAL CONSENT CALENDAR CONTINUED

- D. * Approve the purchase of a 10-foot by 80-foot strip adjacent to Pump Station No. 22A located at Highway 99 and Stanislaus Street, for expansion of that well site - Public Works Dept.
Action Taken:
- E. **RESOLUTION** - Authorizing the Purchasing Manager to negotiate and enter into an agreement with IBM of Fresno for the purchase and installation of a Wireless Mobile Network System without advertised competitive bidding - Police Dept.
Action Taken:
- F. **RESOLUTION** - Dedicating certain City-owned property for public street purposes, property located at the southeast corner of Marks and California Avenues - Public Works Dept.
Action Taken:
- G. Approve substitution of subcontractor for the Santa Fe Depot Rehabilitation Project PW00084 - Public Works Dept.
Action Taken:
- H. Approve First Amendment to Agreement With Brooks Ransom Associates for additional design services, Fresno-Clovis Regional Wastewater Reclamation Facility laboratory building - Public Works Dept.
Action Taken:
- I. Approve appointments of Michael Montgomery to the Fulton Lowell Implementation Plan Committee, and Enola Horn and Ellington Jordan to the Edison-Merger II Citizens Planning Advisory Committee - Councilmember Sterling
Action Taken:
- J. **RESOLUTION** - Approving the Final Map of Tract No. 4993, and accepting dedicated public uses therein; authorize Public Works Director, Public Utilities Director, and Planning and Development Director to execute the necessary documents
Action Taken:
- K. **RESOLUTION** - Approving the Final Map of Tract No. 5163, and accepting dedicated public uses therein; authorize Public Works Director and Planning and Development Director to execute the necessary documents
Action Taken:
- L. **RESOLUTION** - Concerning Local Transportation Purpose Fund (Measure C) - Finance Dept.
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

- A. Receive status report on Old Armenian Town Project - Council President Castillo
Action Taken:

ADJOURN AGENCY

10:05 A.M. **HEARING** regarding Community Facilities District No. 2, Annexation No. 70 Final Tract Map No. 5096
-Public Works Dept.

Action Taken:

- a. **RESOLUTION** - Directing preparation of a modified report analyzing impact of proposed increase in probable special tax for proposed modification to Resolution No. 2004-175
Action Taken:
- b. **RESOLUTION** - Receiving and approving the modified Engineer's Report and modifying Resolution of Intention No. 2004-175
Action Taken:
- c. **RESOLUTION** - Annexing territory to Community Facilities District No. 2, Annexation No. 70 and authorizing the levy of a special tax
Action Taken:
- d. **RESOLUTION** - Calling a special mailed-ballot election
- e. **RESOLUTION** - Declaring election results
Action Taken:
- f. * **BILL** - Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 70 Final Tract Map No. 5096
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:30 A.M. HEARING to consider Plan Amendment No. A-03-21, Rezone Application No. R-03-83, and environmental findings, filed by Granville Homes, for 159 acres of property located on the east side of N. Grantland Avenue between W. Barstow and W. Sierra Avenues - **(Property located in District 2)** - Planning and Development Dept.

Action Taken:

- a. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment A-03-21/R-03-83/C-04-42/T-5247

Action Taken:

- b. **RESOLUTION** - Amending the 2025 Fresno General Plan and the West Area Community Plan
Action Taken:

- c. **BILL** - Amending the Official Zone Map to rezone:

1. 4-acre portion located on the northeast corner of N. Grantland and W. Barstow Avenues **from** the R-R (*Rural Residential - Fresno County*) zone district **to** the C-1/UGM (*Neighborhood Commercial/Urban Growth Management*) zone district:
2. 54-acres located on the east side of N. Grantland Avenue, between W. Barstow and W. Sierra Avenues, **from** the R-R (*Rural Residential - Fresno County*) and AE-5/UGM (*Exclusive Five-acre Agricultural/Urban Growth Management*) zone districts **to** the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district
3. 21-acre portion located on the west side of N. Bryan Avenue, between W. Barstow and W. Bullard Avenues, **from** the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district **to** the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district
4. 13-acre portion adjacent to (c) above **from** the R-R (*Rural Residential - Fresno County*) zone district **to** the R-1/UGM (*Single Family Residential/Urban Growth Management*)
(Related Vesting Tentative Tract Map No. 5247 proposes to subdivide a 122-acre portion of the site on the east side of N. Grantland Avenue between W. Barstow and W. Bullard Avenues into a 417-lot single family residential subdivision with five remainder parcels and two outlots)

Action Taken:

10:45 AM#1 HEARING to consider Rezone Application No. R-03-81, and environmental findings, filed by R.W. Greenwood Associates, Inc. Pertaining to approximately 5 acres of land located on the east side of N. Chestnut Avenue between E. Copper and E. International Avenues **(Property located in District 2)** - Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-03-81/T-5229, Finding of Conformity **to** the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

- b. **BILL** - Amending the official Zone Map to rezone the property **from** the AL-20 (*Limited Twenty Acre Agricultural-Fresno County*) zone district **to** the R-1-C/UGM (*Single Family Residential/Urban Growth Management - 9,000 square foot minimum lot size*) zone district (Related Vesting Tentative Tract Map No. 5229 proposes to subdivide the subject area into an 8-lot single family residential subdivision)

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:45 AM#2 HEARING to consider Rezone Application No. R-04-02, and environmental findings, filed by Quad Knopf on behalf of DS Ventures, pertaining to 42 acres of land located on the northeast corner of N. Polk and W. McKinley Avenues (***Property located in District 3***) - Planning and Development Dept.

Action Taken:

- a. Consider and adopt finding of Mitigated Negative Declaration for Environmental community Plan

Action Taken:

- b. **BILL** - Amending the Official Zone Map to rezone the property from the AE-5/UGM (Exclusive Five Acre Agricultural/Urban Growth Management) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district (related Vesting Tentative Tract Map No. 5284 proposes to subdivide the subject area into a 179-lot single family residential subdivision)

Action Taken:

10:45 AM#3 HEARING to consider Rezone Application No. R-04-16, filed by SummitHill Development, LLC, pertaining to 42 acres of land located on the southwest corner of S. Maple and E. Church Avenues (***Property located in District 5***) - Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-04-16/T-5287, finding of conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

- b. **BILL** - Amending the Official Zone Map to rezone the property from the R-A/UGM (Single Family Residential/Urban Growth Management) and T-P/UGM (Trailer Park/Urban Growth Management) zone districts **to** the R-1/UGM (Single Family Residential/Urban Growth Management) zone district (related Vesting Tentative Tract Map No. 5287 proposes to subdivide the subject area into a 201-lot single family residential development)

Action Taken:

2:00 PM#1

CONTESTED CONSENT ITEMS

2:00 PM #2

CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6

City Negotiator(s) Jon Ruiz, Adela Gonzalez, Renee Mayne, Bob LaSala

Employee organization(s) -

1. International Union of Operating Engineers, Stationary Engineers Local 39 (Local 39)
2. Fresno City Employees Association (FCEA)
3. Amalgamated Transit Union, Local 1027 (ATU)
4. International Brotherhood of Electrical Workers Local 100 (IBEW)
5. City of Fresno Professional Employees Association (CFPEA)
6. City of Fresno Management Employees Association (CFMEA)
7. Fresno Police Officers Association - Management (Police Management)

Action Taken:

2:00 PM #2

CLOSED SESSION CONTINUED

- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - Government Code Section 54956.9, subdivision (c)
1. **Case Name:** City of Cerritos v. State Board of Equalization Alameda Superior Court Case No. RG04144275
 2. **Case Name:** Bakman Water Company, Inc. V. Boeing North American, Inc.; City of Fresno; The United States of America, Department of the Army Corps of Engineers, et al.;
USDC Case No. CIV F-01-6249 REC DLB
Action Taken:
- C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, subdivision (b)
1. **Case Name:** Old Hammerfield/Fresno Air Terminal ("OHF/FAT") Environmental Site
Action Taken:

2:00 PM #3

CLOSED SESSION ANNOUNCEMENTS (IF ANY)

- 4:00 P.M.** Proclamation of "CHILDREN'S MUSICAL THEATERWORKS DAY" - Councilmember Boyajian (Short performance will follow)
- a. Appearance by Joel C. Abels, Music Director Children's Musical Theaterworks to provide a brief overview of the summer productions

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 4:15 P.M.** **CONTINUED HEARING** to consider Plan Amendment No. A-03-22, Rezone Application No. R-03-69, Rezone Application No. R-03-84, and environmental findings, filed by Ingels-Braun on behalf of Sunnyside Ranch, pertaining to approximately 109 gross acres of land located on the west side of Clovis Avenue between the Union Pacific Railroad (California Avenue alignment) and to a point 350 feet south of the E. Church Avenue alignment (***Property located in District 5***) - Planning and Development Dept.
- Action Taken:**
- a. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment A-03-22/R-03/69/R-03-84/T-5258/T-5295
Action Taken:
 - b. **RESOLUTION** - Amending the 2025 Fresno General Plan and the Roosevelt Community Plan
Action Taken:
 - c. **BILL** - Amending the Official Zone Map to rezone an approximately 70 net acre portion of the site **from** the AE-5 (*Exclusive Five Acre Agricultural*) and AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone districts **to** the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district (related Vesting Tentative Tract Map No. 5258 proposes to subdivide the subject area into 258 single family residential lots)
Action Taken:
 - d. **BILL** - Amending the Official Zone Map to rezone an approximately 26 net acre portion of the site **from** the AE-5 (*Exclusive Five Acre Agricultural*) and AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone districts **to** the R-1 (*Single Family Residential*) and R-1/UGM (*Single Family Residential/Urban Growth Management*) zone districts (related Vesting Tentative Tract Map No. 5295 proposes to subdivide the subject area into 123 single family residential lots)
Action Taken:

2.

GENERAL ADMINISTRATION

- A. Approve amendment to Section 3-1 (Compensation) of existing agreement between the City of Fresno and Renee V. Mayne, a sole proprietorship, for labor negotiation services; to be increased from \$49,500 to an amount not to exceed \$87,500 - Personnel Services Dept.

Action Taken:

- B. Consider directing staff to prepare an ordinance that will permit the City to create Community Facilities Districts (CFD) in the City of Fresno that may construct facilities and/or maintain facilities/provide services in addition to those permitted under State statutes - Public Works Dept.

Action Taken:

- C. * Authorize and approve the amended contract between the City of Fresno Police Department and current rotational tow operators; and - Police Dept.

Action Taken:

1. * **BILL NO. B-58 - (Intro. 6/22/2004) (For adoption)** - Amending Sections 6-1902, 6-1903, 6-1904, 6-1906, 6-1907 and 6-1909 of the Fresno Municipal Code relating to the Fresno Police Department rotation tow program - Police Department

Action Taken:

3.

CITY COUNCIL

- A. Direct the City Attorney to work with the Planning Director to draft an ordinance to reduce geographic intensity of apartments in compliance with all applicable laws and make it mandatory for all apartments to be gated communities and all apartments to include garages - Councilmember Dages

Action Taken:

4.

PUBLIC COMMENT PERIOD - No Council action except to place on future agenda. Presentation limited to three (3) minutes.

- A. **SCHEDULED PUBLIC COMMENT** - Appearance by Bob DeFrance to discuss the MAGEC Unit
- B. **UNSCHEDULED COMMUNICATION** - Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS

July 6 - **NO MEETING - COUNCIL VACATION**
 July 13 - **NO MEETING - COUNCIL VACATION**
 July 20 - **9:00 A.M.** Presentation of P.R.I.D.E. Team Certificates (*Reception immediately following - 2nd floor foyer*)
 July 20 - **9:45 A.M.** BNSF Running Pass Train issue - Councilmember Calhoun

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

July 20 - **10:00 A.M.** **HEARING** re: CFD No. 2, Annexation No. 69, Final Tract Map 5281
 July 20 - **10:05 A.M.** **HEARING** re: CFD No. 2, Annexation No. 71, Final Tract Map 5220
 July 20 - **10:10 A.M.** **HEARING** re: CFD No. 2, Annexation No. 72, Final Tract Map 5260
 July 20 - **10:15 A.M.** **HEARING** re: to consider the proposal annual assessments for Landscaping & Lighting Maintenance District (LLMD) No. 1
 July 20 - **10:30 A.M.** **HEARING** re: Resolution of Intention to rescind Resolution No. 2002-146 and order the vacation of Main Street between "N" and "O" Streets, portions of "N" and "O" Streets between Tulare and Main Streets
 July 20 - **10:45 A.M.** Adopt an amendment to the City of Fresno Deferred Compensation Plan document to modify the composition of the City of Fresno Deferred Compensation Committee based on results of a Council requested survey of plan participants - Retirement Offices
 July 20 - **11:00 A.M.** **HEARING** re: Rezone Application No. R-03-65, filed by Self-Help Enterprises
 July 20 - **2:30 P.M.** **HEARING** re: the Consolidated Plan - Planning and Development Dept.
 July 20 - **2:45 P.M.** **JOINT MEETING WITH THE RDA** - Adopt resolution approving the disposition and development of 1.69 acres of agency property located at 3834 and 3856 West Dwight Way
 July 20 - **3:30 P.M.** **HEARING** re: Rezone Application No. R-04-17, filed by Yamabe and Horn Engineering on behalf of Lennar Homes Inc./Cambridge Homes
 July 20 - **3:45 P.M.** **HEARING** re: Rezone Application No. R-03-31, filed by Scott Ellis Enterprises
 July 20 - **3:50 P.M.** **HEARING** re: Rezone Application No. R-02-32, filed by Scott Ellis Enterprises
 July 20 - **5:00 P.M.** **HEARING** re: Plan Amendment No. A-03-07, Rezone Application No. R-03-49, filed by Dirk Poeschel on behalf of WCM Land L.P. and Norman Liddell
 July 27 - **10:00 A.M.** **HEARING** re: vacation of a portion of N. Van Ness Avenue between Herndon and Beechwood - R.I. No. 1035-D
 July 27 - **10:15 A.M.** **CONTINUED JOINT MEETING WITH RDA** to approve Disposition and Development Agreement with Economic Opportunities Commission
 July 27 - **10:30 A.M.** **HEARING** re: Plan Amendment Appl. No. A-04-04, Rezone Appl. No. R-04-09, filed by Ciao Properties
 July 27 - **10:45 A.M.** **HEARING** re: Text Amendment No. TA-04-01, to add furrier as a use permitted in the C-P zone district subject to a CUP
 July 27 - **11:00 A.M.** **WORKSHOP** re: ADA Advisory Council - Public Works Dept. (*1 Hour*)
 July 27 - **3:00 P.M.** **WORKSHOP** re: Power generation alternatives - Dept. of Public Utilities and Acting President Perea

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

July	27 -	4:00 P.M.	WORKSHOP re: Water rights - Dept. Of Public Utilities
July	27 -	4:30 P.M.	HEARING re: Fresno Planning Commission decision re: CUP Appl. No. C-03-226, filed by Wilkins Enterprises
July	27 -	5:00 P.M.	HEARING re: Plan Amendment Appl. No. A-03-20, Rezone Appl. No. R-03-82, filed by Ciao Properties
Aug.	3 -		NO MEETING - COUNCIL VACATION
Aug.	10 -		NO MEETING - COUNCIL VACATION
Aug.	17 -	10:00 A.M.	HEARING re: R-04-024, filed by Southern California Presbyterian Homes
Aug.	17 -	2:30 P.M.	WORKSHOP re: Urban forest - Parks, Recreation and Community Services Dept. and Public Works Dept.
Aug.	24 -	10:00 A.M.	HEARING re: CFD No. 2, Annexation No. 71, Final Tract Map 5220
Aug.	24 -	2:30 P.M.	WORKSHOP re: Bike Advisory Committee - Public Works Dept.
Sept.	7 -		NO MEETING - COUNCIL VACATION
Sept.	14 -		NO MEETING - COUNCIL VACATION

FUTURE WORKSHOPS *(Dates to be determined)*

JOINT WORKSHOP regarding Caltrans and City Partnership - Public Works and Planning and Development Depts. - Council President Castillo